

DEC 31 2008

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

JOHN F. CORCORAN, CLERK
BY:

DEPUTY CLERK

GUSTAF NELSON III,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

Civil Action No. 5:08cv00016

FINAL ORDER

By: Hon. Samuel G. Wilson
United States District Judge

This case was referred pursuant to 28 U.S.C. § 636(b)(1)(B) to the Honorable James G. Welch, United States Magistrate Judge. The Magistrate Judge has filed a report recommending that the summary judgment motions of both parties be denied and that the Commissioner's decision denying benefits be vacated and remanded pursuant to Sentence Four for further consideration in accordance with the Report and Recommendation. Objections to the Report and Recommendation have not been filed, and the court, upon review of the record, is of the opinion that the Report and Recommendation should be adopted.

Accordingly, it is **ORDERED** and **ADJUDGED** that the final decision of the Commission is **VACATED** and the case is **REMANDED** to the Commissioner under Sentence Four of 42 U.S.C. § 405(g) for further consideration in accordance with the Magistrate Judge's Report and Recommendation.

It is so **ORDERED**.

ENTER: This 31st Day of December, 2008.


UNITED STATES DISTRICT JUDGE